

in this dispute and may revoke a service warranty license pursuant to the provisions of 36 O.S. § 6610.

ALLEGATIONS OF FACT

1. On or about May 13, 2009, Petitioner, mailed a *Notice of Hearing And Order To Show Cause With Suspension Instanter* to Respondent at its last known address of record.
2. The *Notice of Hearing And Order To Show Cause With Suspension Instanter* contained statements of jurisdiction, allegations of fact, alleged violations of law, and an order setting the proceedings for hearing on May 26, 2009, at 9:30 a.m. at the office of the Insurance Commissioner, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.
3. The *Notice of Hearing And Order To Show Cause With Suspension Instanter* was mailed to Respondent via certified mail, return receipt requested, item number 7006 0810 0002 6164 1631. The United Postal Service verified the PS Form 3811 was delivered at 12:52 p.m. on May 18, 2009.
4. The Insurance Commissioner appointed Leamon Freeman to hear the case as the independent Hearing Examiner and he entered these findings and conclusions.
5. The Hearing was recorded electronically by employees of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.
6. Respondent failed to appear when the matter was called.
7. Due to Respondent's failure to appear, the Hearing Examiner found that

Respondent was in default.

8. Thereafter, the Hearing Examiner heard evidence supporting the Allegations of Fact in the May 13, 2009, *Notice of Hearing And Order To Show Cause With Suspension Instanter*

9. Based on the evidence presented, the Hearing Examiner determined that the Allegations of Fact in the May 13, 2009, *Notice of Hearing And Order To Show Cause With Suspension Instanter* were true and correct and specifically determined:

- A. That Respondent is a licensed Service Warranty Company operating in Oklahoma pursuant to Certificate of Authority #2402.
- B. That Respondent failed to timely file its 2007 financial statement due on February 29, 2008. Respondent's 2007 financial statement was filed on July 22, 2008.
- C. That Respondent failed to supply Petitioner with the appropriate financial records when requested.
- D. That Respondent's 2007 financial statement indicated that Respondent's liabilities exceeded its assets and was insolvent pursuant to the provisions of 36 O.S. §§ 6602 (8) and (10).
- E. That Respondent failed to renew its service warranty license by November 1, 2008, at which time it expired pursuant to 36 O.S. § 6609.

CONCLUSIONS OF LAW

1. Respondent has violated 36 O.S. § 6615 by failing to timely file its 2007 annual statement by February 29, 2008.

2. Respondent has violated 36 O.S. § 6609 by failing to timely renew its service warranty license.

3. Respondent has violated 36 O.S. § 6605(1) in that Respondent is not solvent.

4. Title 36, § 6610(B), requires suspension or revocation of a service warranty associations license if it is insolvent or has refused to produce records upon request.

ORDER

IT IS THEREFORE ORDERED that Respondent is found in **DEFAULT** and that based on the evidence presented, the Certificate of Authority of Vehicle Protection Plus, L.L.C. is hereby **REVOKED**, effective immediately.

IT IS FURTHER ORDERED that Respondent is hereby fined in the amount of **Five Thousand and No/100 Dollars (\$5,000.00)**.

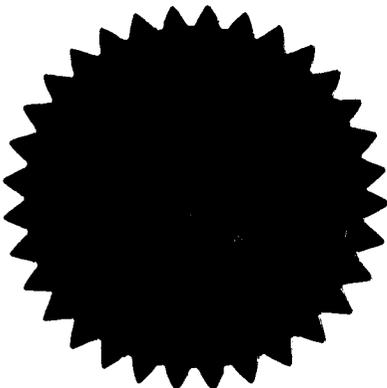
IT IS FURTHER ORDERED that Respondent must provide the Oklahoma Insurance Department a detailed list of all contracts sold in the State of Oklahoma and the amount of premium paid by each, within thirty (30) days from the date of this Order.

IT IS FURTHER ORDERED that Respondent pay court costs in the amount of **One Hundred and Fifty and No/100 Dollars (\$150.00)**.

IT IS FURTHER ORDERED that Respondent's line of credit with the Oklahoma Insurance Department may not be withdrawn until the expiration of all contracts sold in the State of Oklahoma and all obligations to the Oklahoma Insurance Department currently due and owing and all obligations which may become due and owing are paid in full.

IT IS FURTHER ORDERED that this Order is effective immediately and shall continue in force and effect until further order of the Insurance Commissioner.

Witnessed my hand and signature this 28 day of May 2009.




LEAMON FREEMAN
Hearing Examiner
P.O. Box 53408
Oklahoma City, OK 73152-3408

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Administrative Order was mailed certified, return receipt requested on this 29th day of May, 2009 to:

Ben Crumbly
Vehicle Protection Plus, L.L.C.
268 Christian Church Road
Johnson City, TN 37615

Cert. Mail #: 7006 0810 0002 6162 6690

CORPORATION SERVICE COMPANY
115 S.W. 89th Street
Oklahoma City, OK 73139

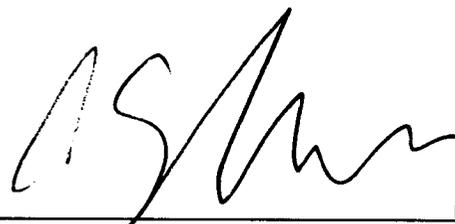
Cert. Mail #: 7006 0810 0002 6164 1990

and that a copy was delivered by U.S. mail to:

TN Department of Commerce and Insurance
Insurance Division
500 James Robertson Parkway
Nashville, TN 37243

and that a copy was provided by electronic mail to:

Dwight DeJear
Senior Management Analyst
Oklahoma Insurance Department



Caleb J. Muckala